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PATENT & TRADEMARK OFFICE



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By \_\_\_\_\_

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: WATSON, ET AL. :

APPLICATION NO.: 09/476,253

: Examiner: Cybille Delacroix-Muirheid

FILING DATE: December 30, 1999

: Group Art Unit: 1614

TITLE: PROKINETIC AGENTS FOR TREATING GASTRIC HYPERMOTILITY AND RELATED DISORDERS

Assistant Commissioner for Patents  
Washington, D.C. 20231

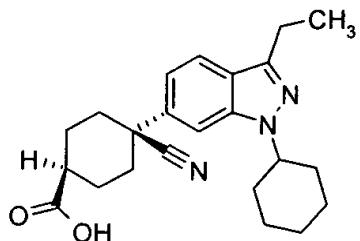
Sir:

APPLICANTS' SUPPLEMENTAL RESPONSE TO A REQUIREMENT OF RESTRICTION (35 U.S.C. § 121) DESIGNATED "B"

Responsive to the Office Action mailed December 3, 2001, please find Applicants' supplemental response to the Examiner's requirement of restriction in the paragraphs that follow.

The Examiner has taken the position that Applicants' reply filed September 10, 2001 is not fully responsive to the prior Office Action because it does not completely address the election requirement made therein. In particular, the Examiner has asserted that Applicants have failed to elect a single species as recited in Section I, to elect a single auxiliary therapeutic agent as set forth in Claims 28 and 29, or to elect a single therapeutic agent as set forth in Claims 40 and 41.

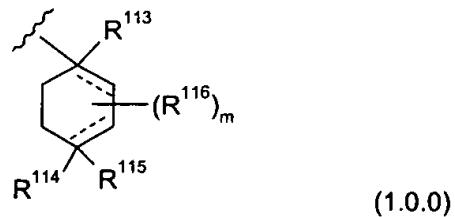
In light of the Examiner's further explanation of the election requirement made in the above-mentioned prior Office Action, Applicants elect for further prosecution in the above-identified application the species of Formula (1.3.0):



(1.3.0)

The elected species of Formula (1.3.0) falls within the scope of present Claim 1 that is a compound of Formula (IA); where R is  $-(CH_2)_n(C_3-C_{10})$  cycloalkyl where n is 0 and that is a  $C_6$  cycloalkyl

group; R<sup>1</sup> is (C<sub>1</sub>-C<sub>9</sub>) alkyl that is a C<sub>2</sub> alkyl group; R<sup>2</sup><sub>a</sub> is hydrogen and R<sup>2</sup><sub>b</sub> comprises ( - I - ) that is a moiety of partial Formula (1.0.0):



where m is 0, R<sup>113</sup> is cyano, R<sup>114</sup> is H, and R<sup>115</sup> is C(=O)OR<sup>119</sup> where R<sup>119</sup> is H.

Applicants further elect as a single auxiliary therapeutic agent species recited in Claims 28 and 29, a proteinaceous synthetic opioid analgesic comprising an enkephalin consisting of [D-Ala<sup>2</sup>,MePhe<sup>4</sup>,-Gly(ol)<sup>5</sup>]enkephalin (DAMGO).

Applicants further elect as a single therapeutic agent species recited in Claims 40 and 41 under (iii), verapamil.

A prompt and favorable response is earnestly solicited.

Respectfully submitted,



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Raymond M. Speer  
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Reg. No. 26,810

Date: Dec. 18, 2001

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